

US DISTRICT COURT INDEX SHEET



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3:97-CR-229 USA V. CHACONI

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 November 1995 Grand Jury

'97 cr 229E

11 UNITED STATES OF AMERICA,

Criminal Case No. \_\_\_\_\_

12 Plaintiff,

I N D I C T M E N T

13 v.

14 MILTON M. CHACONI (1),

aka Milton Chacon,

aka Milton Morales,

15 MARTIN PEREZ (2),

aka Martin Perez Rodriguez,

16 Defendants.

Title 18, U.S.C., Sec. 1341 -  
Mail Fraud; Title 26, U.S.C.,  
Sec. 7206(2) - Aid and Assist  
in the Preparation of a False  
Return; Title 18, U.S.C.,  
Sec. 1956(a)(1)(B)(i) - Money  
Laundering; Title 18, U.S.C.,  
Sec. 2 - Aiding and Abetting;  
Title 18, U.S.C.,  
Sec. 982(a)(1)(A) - Criminal  
Forfeiture

17  
18  
19 The grand jury charges:

20 INTRODUCTORY ALLEGATIONS

21 At all times relevant to this indictment:

22 1. Defendant MILTON M. CHACONI ("CHACONI"), aka Milton  
23 Chacon, aka Milton Morales, was a resident at 1741 Loretta Street,  
24 Oceanside, California, 92054, which is located in the Southern  
25 District of California.

26 TFK:mdd:San Diego  
27 01/16/97  
28

1           2. Defendant MARTIN PEREZ ("PEREZ"), aka Martin Perez  
2 Rodriguez, was a resident at 1741 Loretta Street, Oceanside,  
3 California, 92054, which is located in the Southern District of  
4 California.

5           3. Defendant CHACONI, a Costa Rican national and naturalized  
6 U.S. citizen, was a consultant and tax return preparer in the San  
7 Diego County, California, area.

8           4. "Consultant to the Hispanic Community" was a consulting  
9 and tax return preparer business, located at 1741 Loretta Street,  
10 Oceanside, California, which was owned and operated by defendant  
11 CHACONI.

12           5. Defendant PEREZ, a Mexican national and resident alien,  
13 assisted defendant CHACONI with the preparation of tax returns for  
14 Consultant to the Hispanic Community.

15           6. The Internal Revenue Service ("IRS") is an agency of the  
16 United States Department of Treasury.

17           7. Earned income credit ("EIC") was a special credit the IRS  
18 allowed lower-income filers to claim if, among other things, they  
19 earned a limited amount of income during the applicable year. To  
20 claim EIC, the taxpayer was required, among other things, to submit  
21 to the IRS: (1) a Form 1040 or Form 1040A, U.S. Individual Income  
22 Tax Return, listing the amount of income he or she earned during  
23 the applicable year; and (2) a Form W-2, Wage and Earning  
24 Statement, which verified that the taxpayer had earned the income  
25 reflected in the Form 1040 or Form 1040A.

26           8. If a taxpayer met EIC qualifications by complying with  
27 the above-mentioned requirements, he or she would be entitled to a  
28

1 refundable credit. If the credit was larger than the tax owed by  
2 the taxpayer, the IRS refunded the difference by sending a treasury  
3 check in the appropriate amount to the taxpayer at the mailing  
4 address specified in the federal income tax return.

5 Counts 1 to 24

6 (18 U.S.C. § 1341)

7 1. Paragraphs 1 through 8 of the Introductory Allegations  
8 are repeated and incorporated by reference herein.

9 2. Beginning on or about January, 1992, and continuing to on  
10 or about April, 1992, within the Southern District of California,  
11 and elsewhere, defendants MILTON M. CHACONI, aka Milton Chacon, aka  
12 Milton Morales, and MARTIN PEREZ, aka Martin Perez Rodriguez,  
13 residents of Oceanside, California, knowingly devised and intended  
14 to devise, a scheme and artifice to defraud and to obtain money  
15 from the Internal Revenue Service by means of false and fraudulent  
16 pretenses, representations and promises, including the intentional  
17 mailing of false federal income tax returns claiming tax refunds.

18 THE SCHEME TO DEFRAUD

19 3. It was part of the scheme to defraud that defendants  
20 CHACONI and PEREZ advertised through word of mouth, signs, business  
21 cards and flyers in the San Diego County area that their business,  
22 Consultant to the Hispanic Community, assisted members of the  
23 Hispanic community in the preparation of federal income tax  
24 returns.

25 4. It was further part of the scheme to defraud that  
26 defendants CHACONI and PEREZ prepared and provided to the taxpayers  
27 a copy of their correctly prepared federal income tax return.

5. It was further part of the scheme to defraud that defendants CHACONI and PEREZ would not file the correct prepared tax returns of the taxpayers. :

6. It was further part of the scheme to defraud that defendants CHACONI and PEREZ prepared false federal income tax returns in the name of the taxpayers, unknown to the taxpayers, which listed the defendants' address or post office box and not the taxpayers' correct address or post office box.

7. It was further part of the scheme to defraud that defendants CHACONI and PEREZ prepared and filed false federal income tax returns in order to obtain money in the form of tax refunds.

8. It was further part of the scheme to defraud that defendants CHACONI and PEREZ mailed the false federal income tax returns to the Internal Revenue Service, Fresno Service Center, Fresno, California.

9. It was further part of the scheme to defraud that defendants CHACONI and PEREZ opened two post office boxes in Oceanside, California, in order to receive the tax refunds.

10. It was further part of the scheme to defraud that defendants CHACONI and PEREZ cashed or caused to be cashed tax refund checks.

11. It was further part of the scheme to defraud that defendants CHACONI and PEREZ used the proceeds of the cashed tax refund checks to purchase money orders.

11

//

12. It was further part of the scheme to defraud that defendants CHACONI and PEREZ cashed or caused to be cashed the money orders outside of the United States.

#### EXECUTION OF THE SCHEME BY MAIL

13. On or about the dates listed below, within the Southern District of California, for purpose of executing the scheme to defraud and to obtain money or property by means of false and fraudulent pretenses, representations and promises, as alleged herein, defendants MILTON M. CHACONI, aka Milton Chacon, aka Milton Morales, and MARTIN PEREZ, aka Martin Perez Rodriguez, did: (1) place in the post offices and authorized depositories for mail matter, false federal income tax returns, to be sent and delivered by the Postal Service to the Internal Revenue Service; and (2) knowingly cause to be delivered by the Postal Service, according to the direction thereon, tax refund checks to the defendants' address or post office boxes, as set forth below:

<u>COUNT</u>	<u>DATE OF MAILING</u>	<u>DESCRIPTION OF MAILING</u>
1	1/25/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Lazaro C. & Luzmaria Camiro from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
2	2/8/92	1991 1040A (U.S. Individual Income Tax Return) in the name of Pedro Huerta Salinas from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
3	2/9/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Israel & Dulce M. Hernandez from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California

<u>COUNT</u>	<u>DATE OF MAILING</u>	<u>DESCRIPTION OF MAILING</u>
4	2/16/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Angel & Reina Morales from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
5	2/16/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Ismael & Maricela Hernandez from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
6	2/16/92	1991 1040A (U.S. Individual Income Tax Return) in the name of Cresencia Galindez Tapia from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
7	2/23/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Abel & Martha Perez from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
8	2/23/92	1991 1040A (U.S. Individual Income Tax Return) in the name of Crisanta Saavedra from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
9	2/23/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Rogelio & Margarita Mendiola from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
10	2/28/92	U.S. Treasury Check No. 3147 61826920 issued by the Internal Revenue Service, San Francisco, California, in the names of Lazaro C. & Luzmaria Camiro, addressed to P.O. Box 2017, Oceanside, California
11	3/2/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Eugenio & Barbara Garcia from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California

<u>COUNT</u>	<u>DATE OF MAILING</u>	<u>DESCRIPTION OF MAILING</u>
12	3/2/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Sergio & Luzmaria Garcia from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
13	3/6/92	U.S. Treasury Check No. 3147 04323786 issued by the Internal Revenue Service, San Francisco, California, in the name of Pedro Salinas, addressed to 1741 Loretta St., Oceanside, California
14	3/7/92	1991 1040A (U.S. Individual Income Tax Return) in the names of Eduardo & Elvia Arzate from Oceanside, California, addressed to the Internal Revenue Service Center, Fresno, California
15	3/13/92	U.S. Treasury Check No. 3147 05705470 issued by the Internal Revenue Service, San Francisco, California, in the names of Israel & Dulce Maria Hernandez, addressed to P.O. Box 1878, Oceanside, California
16	3/27/92	U.S. Treasury Check No. 3147 07718134 issued by the Internal Revenue Service, San Francisco, California, in the names of Sergio & Luz Maria Garcia, addressed to P.O. Box 2017, Oceanside, California
17	3/27/92	U.S. Treasury Check No. 3147 08353426 issued by the Internal Revenue Service, San Francisco, California, in the names of Ismael & Maricela Hernandez, addressed to 1741 Loretta St., Oceanside, California
18	3/27/92	U.S. Treasury Check No. 3147 08001991 issued by the Internal Revenue Service, San Francisco, California, in the names of Rogelio & Margarita Mendiola, addressed to 1741 Loretta St., Oceanside, California
19	3/27/92	U.S. Treasury Check No. 3147 08353435 issued by the Internal Revenue Service, San Francisco, California, in the names of Angel & Reina Morales, addressed to 1741 Loretta St., Oceanside, California



<u>COUNT</u>	<u>DATE OF MAILING</u>	<u>DESCRIPTION OF MAILING</u>
20	3/27/92	U.S. Treasury Check No. 3147 08353362 issued by the Internal Revenue Service, San Francisco, California, in the names of Abel B. & Martha M. Perez, addressed to 1741 Loretta St., Oceanside, California
21	3/27/92	U.S. Treasury Check No. 3147 08353315 issued by the Internal Revenue Service, San Francisco, California, in the name of Crisanta Saavedra, addressed to P.O. Box 1878, Oceanside, California
22	3/27/92	U.S. Treasury Check No. 3147 08002415 issued by the Internal Revenue Service, San Francisco, California, in the name of Cresencia Galindez Tapia, addressed to 1741 Loretta St., Oceanside, California
23	4/3/92	U.S. Treasury Check No. 3147 62586236 issued by the Internal Revenue Service, San Francisco, California, in the names of Edward & Elvia Hernandez Arzate, addressed to P.O. Box 1878, Oceanside, California
24	4/10/92	U.S. Treasury Check No. 3147 64294820 issued by the Internal Revenue Service, San Francisco, California, in the names of Eugenio & Barbara Garcia, addressed to 1741 Loretta St., Oceanside, California

All in violation of Title 18, United States Code, Sections 1341 and 2.

Counts 25 to 36

(26 U.S.C. § 7206(2))

1. Paragraphs 1 through 8 of the Introductory Allegations are repeated and incorporated by reference herein.

2. On or about April 15, 1992, in the Southern District of California, defendants MILTON M. CHACONI, aka Milton Chacon, aka Milton Morales, and MARTIN PEREZ, aka Martin Perez Rodriguez, residents of Oceanside, California, did willfully aid and assist

1 in, and procure, counsel, and advise the preparation and  
 2 presentation to the Internal Revenue Service, of U.S. Individual  
 3 Income Tax Returns, Forms 1040A, either individual or joint, in the  
 4 name of taxpayers and in the calendar year 1991, which were false  
 5 and fraudulent as to material matters, in that they represented  
 6 that the below-listed taxpayers resided at: 1741 Loretta Street,  
 7 Oceanside, California; Post Office Box 1878, Oceanside,  
 8 California; or Post Office Box 2017, Oceanside, California, and/or  
 9 were entitled under the provisions of the Internal Revenue laws to  
 10 claim deductions, exemptions and credits for items and in amounts  
 11 hereinafter specified, whereas, the defendants then and there well  
 12 knew and believed, the said taxpayers did not reside at such  
 13 address or post office boxes and were not entitled to the  
 14 deductions, exemptions and credits claimed in said amounts set  
 15 forth below:

<u>COUNT</u>	<u>NAME ON RETURN</u>	<u>FALSE ITEM</u>	<u>FALSE AMOUNT CLAIMED</u>
25	Eduardo & Elvia Arzate	Address	NONE
		Exemption amount - line 21	\$17,200
26	Lazaro C. & Luzmaria Camiro	Address	NONE
		Spouse	NONE
		Standard deduction - line 19	\$5,700
		Exemption amount - line 21	\$8,600
		Earned income credit - line 28c	\$1,235

	<u>COUNT</u>	<u>NAME ON RETURN</u>	<u>FALSE ITEM</u>	<u>FALSE AMOUNT CLAIMED</u>
1				
2				
3	27	Eugenio & Barbara Garcia	Address	NONE
4			Spouse	NONE
5			Standard deduction - line 19	\$5,700
6			Exemption amount - line 21	\$8,600
7				
8			Earned income credit - line 28c	\$1,235
9				
10	28	Sergio & Luz Maria Garcia	Address	NONE
11			Spouse	NONE
12			Standard deduction - line 19	\$5,700
13			Exemption amount - line 21	\$8,600
14				
15	29	Ismael & Maricela Hernandez	Address	NONE
16			Exemption amount - line 21	\$6,450
17			Earned income credit - line 28c	\$1,192
18				
19	30	Israel & Dulce M. Hernandez	Address	NONE
20			Exemption amount - line 21	\$8,600
21			Earned income credit - line 28c	\$1,059
22				
23	31	Rogelio & Margarita Mendiola	Address	NONE
24				
25				
26				
27				
28				

1				FALSE
2	<u>COUNT</u>	<u>NAME ON</u>	<u>FALSE ITEM</u>	<u>AMOUNT</u>
3		<u>RETURN</u>		<u>CLAIMED</u>
32	Angels & Reina	Address	NONE	
	Morales	Spouse	NONE	
		Standard deduction	\$5,700	
		- line 19		
		Earned income	\$1,235	
		credit - line 28c		
33	Abel & Martha Perez	Address	NONE	
		Exemption amount	\$12,900	
		- line 21		
		Earned income	\$559	
		credit - line 28c		
34	Crisanta Saavedra	Address	NONE	
35	Pedro Huerta Salinas	Address	NONE	
36	Cresencia Galindez	Address	NONE	
	Tapia			
All in violation of Title 26, United States Code, Section 7206(2)				
and Title 18, United States Code, Section 2.				
<u>Counts 38 and 39</u>				
(18 U.S.C. § 1956(a)(1)(B)(i))				
1. Paragraphs 1 through 8 of the Introductory Allegations				
are realleged and incorporated by reference herein.				
2. On or about March 21, 1992, in the Southern District of				
California, defendants MILTON M. CHACONI, aka Milton Chacon, aka				
Milton Morales, and MARTIN PEREZ, aka Martin Perez Rodriguez,				
knowing that the property involved in the financial transactions				
set forth individually below represented the proceeds of some form				
of unlawful activity, knowingly conducted the financial				

transactions which, in fact, involved the proceeds of a specified unlawful activity, that is mail fraud as set forth in Counts 1 to 24 above, with the knowledge that the financial transactions were designed in whole and in part to conceal and disguise the nature, source, ownership, and control of the proceeds of the specified unlawful activity:

<u>COUNT</u>	<u>FINANCIAL TRANSACTION</u>
1	10/1/78
2	10/1/78
3	10/1/78
4	10/1/78
5	10/1/78
6	10/1/78
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93	10/1/78
94	10/1/78
95	10/1/78
96	10/1/78
97	10/1/78
98	10/1/78
99	10/1/78
100	10/1/78

38 Purchase of \$15,000 in CONTINENTAL EXPRESS money orders (Nos. 53-13260316 through 53-13260345 and 53-13260347 through 53-13260366) from Balboa Liquor, Oceanside, California, in the name of Martin Perez payable to Miguel Angel Chacon.

39 Purchase of \$10,800 in CONTINENTAL EXPRESS money orders (Nos. 53-13260346, 53-13260367 through 53-13260383, 53-13260398 through 53-13260406, 53-13260409, 53-13260410, and 53-13260413 through 53-13260419) from Balboa Liqueur, Oceanside, California, in the name of Milton Chaconi payable to Miguel Angel Chacon.

All in violation of Title 18, United States Code,  
Sections 1956(a)(1)(B)(i) and 2.

Count 40

(18 U.S.C. § 982(a)(1)(A))

## CRIMINAL FORFEITURE ALLEGATIONS

1. The allegations contained in Counts 38 and 39 of this indictment are realleged and incorporated by reference herein.

2. As a result of the felony offenses alleged in Counts 38 and 39, defendants MILTON M. CHACONI, aka Milton Chacon, aka Milton Morales, and MARTIN PEREZ, aka Martin Perez Rodriguez, shall forfeit to the United States any and all property real or personal involved in such offenses or any property traceable to such property as to which properties the said defendants are jointly and

1 severally liable. The United States intends to forfeit property of  
2 the defendants, including but not limited to the following:  
3 approximately \$25,800 in U.S. Currency, in that such sum in  
4 aggregate constitutes the property involved in the felony criminal  
5 violations alleged in Counts 38 and 39.

6 SUBSTITUTE ASSETS

7 If any of the property described above as being subject to  
8 forfeiture, as a result of any act or omission of defendants  
9 CHACONI and PEREZ or any entity or person acting on their behalf:

- 10 a) cannot be located upon the exercise of due diligence;  
11 b) has been transferred or sold to or deposited with, a  
12 third person;  
13 c) has been placed beyond the jurisdiction of the court;  
14 d) has been substantially diminished in value; or  
15 e) has been commingled with other property which cannot be  
16 subdivided without difficulty;

17 it is the intent of the United States, pursuant to Title 18, United  
18 States Code, Section 982(a)(1)(A), to seek forfeiture of any other  
19 property of said defendants up to the value of the above  
20 forfeitable property, that is, \$25,800.

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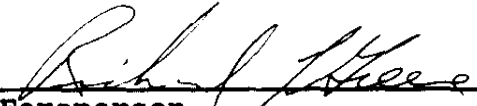
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1 All in violation of Title 18, United States Code,  
2 Section 982(a)(1)(A), incorporating Title 21, United States Code,  
3 Section 853.

4 DATED: January 21, 1997.

5 A TRUE BILL:

6  
7   
8 Foreperson

9 ALAN D. BERSIN  
10 United States Attorney

11 By:   
12 THOMAS F. KLUMPER  
13 Trial Attorney  
14 U.S. Department of Justice  
15 Tax Division  
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**PLI RECEIPT AND RETURN**

AO 442

**United States District Court****SOUTHERN DISTRICT OF CALIFORNIA****UNITED STATES OF AMERICA****V.****WARRANT FOR ARREST****MILTON M. CHACONI etal****CASE NUMBER: 97-cr-229-E**To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

**MILTON M. CHACONI (1) aka Milton Chacon  
aka Milton Morales**

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☒ Indictment   
 ☐ Information   
 ☐ Complaint   
 ☐ Order of Court   
 ☐ Violation Notice   
 ☐ Probation Violation Petition  
☐ Pretrial Violation

charging him or her with (brief description of offense)

18 USC 1341 - Mail Fraud; 26 USC 7206(2) - Aid and Assist in the Preparation of a False Return; 18 USC 1956(a)(1)(B)(i) - Money Laundering; 18 USC 2 - Aiding and Abetting; 18 USC 982(a)(1)(A) - Criminal Forfeiture

In violation of Title See Above United States Code, Section(s) \_\_\_\_\_

Roberta Westdal

Name of Issuing Officer

Clerk of the Court

Title of Issuing Officer

G. Broas

Signature of Deputy

1/21/97, San Diego, CA

Date and Location

Bail fixed at \$ \_\_\_\_\_ by The Honorable Cynthia G. Aaron  
Name of Judicial Officer**RETURN**This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_  
\_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		



CASE RECEIPT AND RETURN

AO 442

# United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Unsealed 1/23/97

UNITED STATES OF AMERICA

V.

## WARRANT FOR ARREST

MILTON M. CHACONI et al

CASE NUMBER: 97-cr-229-E

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest MARTIN PEREZ (2) aka Martin Perez Rodriguez

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition  
☐ Pretrial Violation

charging him or her with (brief description of offense)

18 USC 1341 - Mail Fraud; 26 USC 7206(2) - Aid and Assist in the Preparation of a False Return; 18 USC 1956(a)(1)(B)(i) - Money Laundering; 18 USC 2 - Aiding and Abetting; 18 USC 982(a)(1)(A) - Criminal Forfeiture

In violation of Title See Above United States Code, Section(s) \_\_\_\_\_

Roberta Westdal

Name of Issuing Officer

Clerk of the Court

Title of Issuing Officer

G. Broas

Signature of Deputy

1/21/97, San Diego, CA

Date and Location

Bail fixed at \$ \_\_\_\_\_ by The Honorable Cynthia G. Aaron  
Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		